

MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
APRIL 25, 2016
6:00 P.M.

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; William Pitman Chief of Police; Brian Wright-Finance Director; Ken Martin-City Engineer/Public Works Director; Paul Anchondo-Parks and Recreation Director; Rus Ketcham-Library Director; Lance Dunagan-Public Works Superintendent; Jon Vlaming-Community Development Director

I. CALL TO ORDER

Mayor Belloc called the meeting to order at approximately 6:01 p.m.

II. INVOCATION

Invocation was given by Councilmember J.W. Tidwell.

III. PLEDGE OF ALLEGIANCE

Councilmember JoAnne Galindo led Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember JoAnne Galindo; Councilmember Andrew Rodriguez; Councilmember Augustine Saucedo; Mayor Joel Belloc; Vice Mayor Micah Powell; Councilmember J.W. Tidwell; Councilmember J.R. Nagy

Council Members Absent: None

V. COMMUNICATIONS

- Councilmember Rodriguez commended staff on the beautiful lighting for the new entry signs. He also praised staff for the street work done on 11th Street. He said 11th Street is the best street the city has at this time.

- Vice Mayor Powell asked about the status of the veteran's park.

Councilmember Tidwell conveyed the contractor said his crew would be back at work this morning at 8:00am. He said the veterans' center has a groundbreaking ceremony for the park this Friday at 1:00 p.m.

- Mr. Krauss conveyed the first budget work session will be May 2nd at 6:00p.m. Nonprofit organizations and agencies will present their funding requests to Council that evening. After that, staff will review the highlights of the budget. Mr. Krauss stated a second budget work session is scheduled for May 16th.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

Mayor Belloc moved Executive Session to after agenda item IX-F.

VIII. CONSENT AGENDA

Agenda Item

Subject

IX-A. Approval of Minutes: 4/11/16 (regular)

IX-B. Adoption of an updated Meal Per Diem Travel Policy for City officials and employees.

IX-C. Council consider the appointment of Mr. Ezequiel Cazarez as a regular member of the Board of Adjustment to serve a (3) year term expiring on May 1, 2019, or until a successor has been appointed by the Mayor and Council.

IX-D. Preliminary Plat for Robson Ranch Unit Twenty "A" (20A) generally located at the northeast corner of Robson Blvd. and Cherry Oaks Drive subdividing 13.23 acres into 78 residential lots.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to approve the Consent Agenda as presented, passed unanimously by roll call vote.

IX. BUSINESS

E. ADOPTION OF RESOLUTION NO. 16-1382 APPROVING AMENDMENTS TO THE UTILITY FEE SCHEDULE TO PROVIDE A USER FEE FOR

COMMERCIAL RECYCLING AND MISCELLANEOUS SANITATION SERVICES.

Cover sheet discussion: Council adopt Resolution No. 16-1382 approving amendments to the Utility Fee Schedule to provide for commercial recycling and miscellaneous sanitation services to support commercial recycling.

In October 2015, the Council adopted Resolution No. 15-1360 establishing water, sewer and sanitation deposits, fees and charges. This utility and sanitation fee revisions were in conjunction with various updates to the City Code related to water, sewer, and solid waste services.

In November 2015, City staff initiated the curbside residential recycling program. In spite of a slow start to implementing the recycling program, there has been general acceptance for curb side residential recycling and staff is pleased with the current level of participation.

Over the past few months there has been interest in recycling among some businesses. This was not addressed when the program was first rolled-out in November 2015. Staff wishes to add recycling containers to City offices in order to set an example in the community. In order to add recycling containers in City offices as well as to offer the service to commercial customers, it is necessary to adopt a new fee for this service. In addition, a few miscellaneous fees need to be added for services to support commercial recycling.

The miscellaneous fees are optional and will be available should a commercial customer request one or more of these miscellaneous items. The 95 gallon container is the cart that will be delivered should the customer wish to participate in the recycling program. In addition to the 95 gallon container, commercial customers will have an option of a 6 yard frontload bin with one weekly pick-up. The frontload lock bar will be available with the commercial containers in order to prevent illegal dumping. Frontload wheels will be available to make it easier for customers to roll out the containers.

The proposed new fees are shown below:

	<i>City of Eloy Proposed Fee</i>
<i>95 gallon container</i>	<i>\$10.00</i>
<i>6 yards frontload bin *</i>	<i>\$55.00</i>
<i>Frontload lock bar</i>	<i>\$10.00</i>
<i>Frontload wheels</i>	<i>\$10.00</i>
<i>Extra Lift frontload</i>	<i>\$55.00</i>

**The fee for the 6 yard frontload bin is per month for one pickup per week.*

FISCAL IMPACT:

The adoption of these new fees will offset the cost of providing commercial recycling and cover miscellaneous services not currently addressed in the existing rate schedule.

Mr. Krauss gave a brief overview of the proposed resolution and fee amendment for use of recycling bins for commercial customers who want to do recycling.

After his overview, Mr. Krauss asked Mr. Martin to come forward to field questions from Council about the proposed fees.

Motion by Councilmember Saucedo, seconded by Councilmember Nagy to read Resolution No. 16-1382 by title only, passed unanimously.

Motion by Councilmember Saucedo, seconded by Vice Mayor Powell to adopt Resolution No. 16-1382, passed unanimously.

F. AUTHORIZE THE CITY TO ENTER INTO A CONTRACTUAL AGREEMENT WITH MARKHAM CONTRACTING FOR THE RECONSTRUCTION OF ALSDORF ROAD FROM SUNSHINE BOULEVARD TO THE I-10 ADOT RIGHT OF WAY.

Cover sheet discussion: *Council authorize the City to enter into a contractual agreement with Markham Contracting Inc. for the reconstruction of Alsdorf Road from Sunshine Boulevard to the ADOT right-of-way on the east side of Interstate 10, with the option of an asphalt surface base at a 28-foot pavement width for a total cost of approximately \$361,284.37.*

The condition of the pavement in this segment of Alsdorf Road is poor to very poor, and well past the life cycle of the chip seal surface. This project was included in the Capital Improvement Program budget for this fiscal year with a double chip seal reconstruction. Staff solicited a quote from Markham Contracting based upon a Job Order Contract which Markham has with the City of Buckeye.

During recent meetings with the Council Infrastructure Committee, the Council members showed an interest in completing more street projects using hot mixed asphalt, as opposed to built-up chip seal. Thus, staff requested that Markham include an option in the quote for asphalt surfacing, as well as options for a 24-inch and 28-inch pavement widths. Based upon the quote, staff is recommending that the road be reconstructed to a 28-foot width, and hard surfaced with a 2-inch hot mixed asphalt surface. The additional cost increase of 18%, or \$53,838, for the asphalt

surface versus a 28-foot pavement width with chip seal surface would be more than offset by the additional life cycle of the roadway.

FISCAL IMPACT:

The quote for the 28-foot wide pavement with hot mixed asphalt option was \$350,784.37, while the cost of a double chip seal surface would be approximately \$296,946. In addition, staff is recommending an additional \$10,500 for pavement marking and owner directed work be included in the project value, making the total estimated cost of the project to be \$361,284.37.

\$264,775.00 was budgeted for the double chip seal reconstruction, leaving \$96,509.37 not budgeted.

Based upon savings from other street projects completed this fiscal year, the Street Division capital budget will have sufficient funds for the proposed increase in the Alsdorf Road reconstruction project.

Mr. Krauss briefly reviewed the proposed reconstruction of Alsdorf Road.

Mr. Martin and Mr. Dunagan answered questions from Council about the reconstruction project.

Motion by Councilmember Nagy, seconded by Councilmember Saucedo to authorize the city to enter into a contractual agreement with Markham Contracting for the reconstruction of Alsdorf Road from Sunshine Boulevard to the I-10 right of way, passed unanimously.

NOTE: Mayor Belloc moved "Informational Items" before the Executive Session.

X. INFORMATIONAL ITEMS

RICO Expenditure Report 7/1/15 through 3/31/16

There were no comments and/or questions from Council regarding the RICO Expenditure Report.

Mayor Belloc asked Mr. Krauss if he or a representative from Southwest Gas could provide Council with an update of the work the company is doing in the city at a future Council meeting.

Mr. Krauss conveyed that a representative from Southwest Gas called him this afternoon regarding the company's upcoming franchise agreement with the city; however he has

not had a chance to talk to him. Mr. Krauss said he will relay the message to the representative.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to hold an Executive Session at approximately 6:40pm for approximately 45 minutes with the City Attorney, City Manager and City Clerk (transcribing) for:

- A. Discussion of legal matters/consultation with City Attorney, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding litigation and acquisition of real property including contracts that are the subject of negotiations, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7).
- B. Discussion of legal matters/consultation with City Attorney, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding possible settlement of City of Eloy vs. Holmes Family Trust pursuant to A.R.S. §38-431.03 (A) (3),(4) and (7).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 7:13pm.

G. DIRECT CITY MANAGER, CITY ATTORNEY AND CITY STAFF ON POSSIBLE SETTLEMENT IN LITIGATION WITH HOLMES FAMILY TRUST FOR ACQUISITION OF REAL PROPERTY AT THE SOUTHWEST CORNER OF PHOENIX AVENUE AND D STREET

Cover sheet discussion: *Council to provide direction to City Manager, City Attorney and City Staff on possible settlement in litigation with Holmes Family Trust for acquisition of real property at the southwest corner of Phoenix Avenue and D Street.*

In 2015 the Mayor and Council authorized the City Attorney to file a condemnation suit on a 3.8 acre parcel of land at the southwest corner of Phoenix Avenue and D Street in order to construct new City offices. The vacant parcel is owned by the Holmes Family Trust. After obtaining appraisals on the property in question, the City and representatives of the Holmes Family Trust entered into mediation discussion. At this time staff is seeking direction from the Mayor and Council on a possible settlement with the Holmes Family Trust to obtain ownership of the 3.8 acre parcel.

FISCAL IMPACT:

Subject property was appraised by Dennis Lopez at \$80,000.

Mayor Belloc conveyed that staff has made a recommendation to Council in Executive Session that the city move forward to accept the results of the mediation between the city and the Holmes Family Trust.

Mr. Cooper provided Council with the proper language for the motion.

Motion by Vice Mayor Powell, seconded by Councilmember Nagy to enter into the mediation agreement reached on April 22, 2016; and to authorize the City Manager and City Attorney to sign all necessary documents to approve the settlement for the Holmes Family Trust, passed unanimously by roll call vote.

Mr. Cooper conveyed there will be a status review May 2nd in Superior Court on this matter. He will present final judgment paperwork to the court which he anticipates the court will sign.

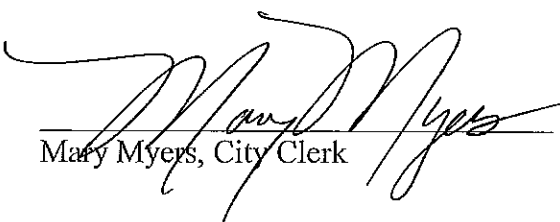
XI. ADJOURNMENT

There being no further business, Mayor Belloc adjourned the meeting at approximately 7:18 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk